REMARKS

Please enter the amendments set forth above prior to examination of the present application. Independent claims 1, 10, and 17 have been amended to further particularly point out and distinctly claim the subject matter regarded as the invention. No new matter had been added. Applicant respectfully submits the following remarks in response to the Advisory Action mailed on July 1, 2008.

The Final Office Action rejected claims 1-15 and 17-22 under 35 U.S.C. 103(a) as being unpatentable over Hypponen (2003/0191957) further in view of Liang (2003/0208687). It is respectfully submitted that claims 1-15 and 17-22, as currently amended, are not made obvious by the cited references.

Claim 1, as amended, recites a network virus monitor comprising a virus sensor where "the bandwidth of the network is substantially unaffected in a first mode in that data packets continue to their destination after they are copied creating copied data packets which are analyzed for the computer virus." As described in the specification, the network virus monitor is capable of operating in a number of modes. One mode, as described in paragraphs [0041] and [0042] of the specification, is a stand-by mode. The stand-by mode allows all packets to continue to flow in network 100 after the packet has been copied. This allows the network bandwidth to be preserved by the fact that virus monitor 102 monitors the network traffic by copying all of the data packets and using the copied data for its analysis. If a virus is detected by the virus monitor, an event flag is generated and the threat is corrected.

In contrast, Hypponen discloses intercepting, identifying, and transferring data to a virus scanner in paragraphs [0014] – [0019]. In certain embodiments, data intercepted at a transit node is stored in a memory of that node, while a copy of the data is transferred to the virus scanning server for virus scanning. If the virus scan identifies no viruses in the data, the server need only return an OK message to the transit node. The purpose of this is to minimize the data transfer between the virus scanning server and the transit node. It is respectfully submitted that Hypponen does not teach nor suggest a mode where data packets are allowed to continue to their destination after being copied as recited in the claimed invention. Instead, Hypponen discloses

storing data packets in the memory of a node and only passing the data through after an "OK" message has been received from the virus monitor.

Even if Liang were combined with Hypponen, the combination still does not suggest or make obvious a mode in which data packets continue to their destination after they are copied as recited in the amended claims. The four modes disclosed in Liang (continuous service mode, an idle mode, a maintenance mode, and a service-maintenance mode) do not recite the same limitations as the claimed first mode.

Furthermore, amended claim 1 also recites a virus monitor that is able to "automatically collect network environment data and assign an IP address to itself, and wherein the virus monitor automatically locates a controller in the network and registers itself with the controller, from where the virus monitor receives a rule set and an outbreak prevention policy (OPP)." As described in paragraphs [0030] and [0031] of the specification, these steps are automatically performed during an initialization phase of the virus monitor. It is respectfully submitted that neither Hypponen nor Liang teach or suggest an initialization phase that is automatically performed which assigns an IP address to the virus monitor and registers the virus monitor with a controller. For at least these reasons, it is respectfully submitted that claim 1 of the present invention is not made obvious by a combination of the disclosures in Hypponen and Liang

Independent claims 10 and 17, as amended, also contain the same limitations as discussed above. For at least the same reasons, it is respectfully submitted that these claims are also not made obvious by Hypponen and Liang.

Dependent claims 2-9, 11-15, and 18-22 are dependent on independent claims 1, 10, and 17, respectively. These dependent claims recite additional limitations that further distinguish them from the cited references and therefore, are not made obvious by the cited references.

CONCLUSION

Applicant believes that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (408) 255-8001.

Respectfully submitted,
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